

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

ISRAEL MALDONADO RAMIREZ,

Case No. 1:22-cv-01343-ADA-SKO

Plaintiff,

**ORDER DIRECTING CLERK OF
COURT TO CLOSE THE CASE**

v.

DIANNA FINESTAINÉ,

(Doc. 4)

Defendant. /

Plaintiff, Israel Maldonado Ramirez, a state prisoner, filed this action on October 20, 2022.
(Doc. 1.)

On December 23, 2022, Plaintiff, in response to the Court's order to either pay the applicable filing fee or file an application to proceed *in forma pauperis* (Doc. 2), filed a document titled "Declaration of Dismissal of Order of Complaint Here" in which he indicates he "no longer want[s] to prosecute" this case. (Doc. 4.) In relevant part, Rule 41(a)(1)(A) provides as follows:

[A] plaintiff may dismiss an action without a court order by filing: (i) a notice of dismissal before the opposing party serves either an answer or a motion for summary judgment; or (ii) a stipulation of dismissal signed by all parties who have appeared.

Fed. R. Civ. P. 41(a)(1)(A). Rule 41(a)(1)(B) provides further that "[u]nless the notice or stipulation states otherwise, the dismissal is without prejudice." Fed. R. Civ. P. 41(a)(1)(B).

Plaintiff filed his voluntary dismissal before the opposing party served either an answer or a motion for summary judgment. As such, Plaintiff has voluntarily dismissed this matter without prejudice pursuant to Federal Rules of Civil Procedure 41(a)(1). The Court therefore DIRECTS the

1 Clerk of Court to CLOSE the case.

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3 IT IS SO ORDERED.

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5 Dated: **December 29, 2022**

/s/ Sheila K. Oberto
UNITED STATES MAGISTRATE JUDGE

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